HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. 1112 of 2005

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

Appellant Non-applicant No.2	:	Manihar Singh Markam S/o Sunna Ram, Aged about 48 years, R/o Block colony Keshkal, Dist: Bastar -(C.G.)
	:	Versus
Respondent (Claimants)	: 1.	Radha Bai, Wd/of Late Hirulal Yadav, Aged about 39 years,
	: 2.	Satish Kumar S/o Late Hirulal Yadav, Aged about 22 years.
	: 3.	Awadesh Kumar S/o Late Hirulal Yadav, Aged about 20 years.
	: 4.	Ku. Mamta, D/o Late Hirulal Yadav, Aged about 19 years.
	: 5.	Kamlesh Kumar, S/o Late Hirulal Yadav, Aged about 18 years.
		Respondents 1 to 5 are R/o Bazar Para Surdonagar, Tehsil - Keshkal, Dist : Bastar-(C.G.) At present Aamapara Kanker, Dist : Kanker-(C.G.)
	: 6.	L.R.Dhruv, S/o Loknath Dhruv, Aged about 44 years, R/o Boregaon Keshkal Teacher Government Higher Secondary School Keshkal, Tehsil Keshkal, Dist : Bastar-(C.G.)

Shri Prafulla Bharat, Counsel for the appellant.

ORAL ORDER
(Passed on 24th January, 2006)

The following oral order of the Court was passed by S. R. NAYAK, C.J.

1. The appellant is the owner of the motor vehicle involved in the incident. It is the contention of the appellant-owner that the liability

to pay compensation could not have been fastened on the appellant, because, well before the date of accident, the motor vehicle involved in the accident was sold to the sixth respondent. That is the only ground urged before us by the learned counsel for the appellant.

2. We do not find any merit in the above contention. Although it was claimed by the appellant that the motor vehicle involved in the accident was sold to Respondent No.6 herein and physical possession of the motor vehicle was handed over to the sixth respondent under an agreement dated 5.7.2000, in the pleading filed by the sixth respondent, he denied the purchase of the motor vehicle involved in the accident. In that view of the matter, the M.A.C.T., according to us, has rightly held that the appellant continued to be the lawful owner of the motor vehicle involved in the accident. In addition, it needs to be noticed that as on the date of the accident, the appellant was the registered owner of the vehicle and there was no change in the registration.

3. The appeal is devoid of merit and it is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge